

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Upon entry of this Amendment, claims 19-25 will be pending in the present application. Claims 1-18 were cancelled in a previous Amendment.

The specification has been amended to show that Application No. 09/393,003 has issued as U.S. Patent No. 6,629,527. The specification has also been amended to change a typographical error in Application No. 07/769,269 to 07/786,269.

Claims 19-25 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 5,970,975 to Estes et al. ("the '975 patent"). As suggested by the Examiner, a Terminal Disclaimer executed by the undersigned applicant's representative in compliance with 37 C.F.R. § 1.321(c) is submitted herewith to disclaim the term of a patent resulting from the present application from extending beyond that of the '975 patent. Accordingly, applicants respectfully requests that the above obviousness-type double patent rejection be withdrawn.

The Commission is authorized to charge the Terminal Disclaimer fee required under 37 C.F.R. § 1.20(d) to deposit account no. 50-0558. Two copies of a Fee Transmittal form are submitted for this purpose.

This response is being filed within the three-month statutory response period which expires on September 124, 2005. In addition, no additional claim fees are believed to be required as a result of the above amendments to the claims. Nevertheless, the Commission is authorized to charge the any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 50-0558.

ESTES et al. -- Appln. No.: 10/623,043

All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

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